

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10980101-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Lee A. Barford

Serial No.: 10/053,748

Filing Date: January 18, 2002

Title: REVISING A TEST SUITE USING EFFICACY EVALUATION

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

Examiner: John H. Le

Group Art Unit: 2863

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NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, October 20, 2003, rejecting the following claims 1-8, 10, 11 and 31-38.

The fee for this Notice of Appeal (37 CFR 1.17(b)) is \$330.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.138(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.138 (fees: 37 CFR 1.17(a)(1)-(5)) for the total number of months checked below:

<input type="checkbox"/>	one month	\$ 110.00
<input type="checkbox"/>	two months	\$ 420.00
<input type="checkbox"/>	three months	\$ 850.00
<input type="checkbox"/>	four months	\$1480.00

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 50-1078 the sum of \$330.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: OR

☒ I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile: December 12, 2003

Typed Name: J. Michael Johnson

Signature: 

Respectfully submitted,  
Lee A. Barford

By 

J. Michael Johnson  
Attorney/Agent for Applicant(s)

Reg. No. 37,858

Date: December 12, 2003

Telephone No. (775) 849-3085